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**UNITED STATES DISTRICT COURT**

## **DISTRICT OF NEVADA**

GREGORY BROWN,

Case No.: 2:23-cv-01653-GMN-BNW

**Plaintiff,**

V.

ADVANCE STORES COMPANY, INC. d/b/a  
ADVANCE AUTO PARTS; and DOES 1  
through 50, inclusive,

**STIPULATION AND ORDER TO EXTEND  
DISCOVERY (FIRST REQUEST)**

### Defendants.

Plaintiff GREGORY BROWN (“Plaintiff”), and Defendant ADVANCE STORES COMPANY (“Defendant”), by and through their undersigned counsel of record, hereby stipulate and agree to extend the discovery deadlines for sixty (60) days. *See* ECF No. 16. This is the Parties first request for an extension.

#### **A. Discovery Completed to Date.**

To date, the parties have exchanged initial disclosures of documents and witnesses pursuant to FRCP 26(a)(1).

#### **B. Discovery Which Still Needs to Occur.**

The parties are each preparing to serve interrogatories, requests for production, and requests for admission. Plaintiff intends to take the deposition of several of Defendant's employees. Defendant intends to depose Plaintiff and may depose other witnesses depending on the course of discovery. The parties are also working to determine whether they will utilize experts in this case.

1           **C. Reasons Why Discovery Hasn't Been Completed Within Current Schedule.**

2           The parties paused principal discovery efforts in order to preserve their respective resources  
 3 for participation in the Early Neutral Evaluation session which took place on January 3, 2024. Now  
 4 that the ENE has been completed and it is necessary to undertake discovery, the parties are working  
 5 to complete their respective discovery. Indeed, following the ENE, counsel for the parties discussed  
 6 a discovery schedule which would include completing written discovery prior to depositions being  
 7 taken in March 2023.

8           Under Rule 16(b)(4), a scheduling order “may be modified only for good cause and with the  
 9 judge’s consent.” “The primary measure of Rule 16’s ‘good cause’ standard is the moving party’s  
 10 diligence in attempting to meet the case management order’s requirements.” *Edizone, LC v. Cloud*  
 11 *Nine, LLC*, 505 F.Supp.2d 1226, 1231 (D. Utah 2007). *See also Johnson v. Mammoth Recreations,*  
 12 *Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (“Rule 16(b)’s ‘good cause’ standard primarily considers the  
 13 diligence of the party seeking the amendment.”).

14           In light of the foregoing, the parties believe good cause exists to extend the deadlines. They  
 15 are working in good faith to complete discovery and move this case forward in a reasonable time.

16           **D. Proposed Schedule for Completing Remaining Discovery.**

17           The parties propose the following schedule for completing remaining discovery.

	<b>Current Deadline</b>	<b>New Deadline</b>
Initial Expert Disclosures	February 29, 2024	<b>April 29, 2024</b>
Rebuttal Expert Disclosures	April 1, 2024	<b>May 29, 2024</b>
Close of Discovery	April 29, 2024	<b>June 28, 2024</b>
Dispositive Motions	May 29, 2024	<b>July 29, 2024</b>
Joint Pre-Trial Order*	June 28, 2024	<b>August 28, 2024</b>

24 \*If no dispositive motions are filed, the Joint Pretrial Order shall be filed thirty (30) days after the  
 25 date set for the filing of the dispositive motions, which is August 28, 2024. In the event dispositive  
 26 motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days  
 27 after the decision on the dispositive motions or by further order of the Court.

1        This stipulation and order is sought in good faith and not for the purpose of delay.

2        Dated this 8th day of February, 2024.

Dated this 8th day of February, 2024.

3        JACKSON LEWIS P.C.

RAFII & ASSOCIATES, P.C.

4        */s/ Joshua A. Slicker (with Joshua A. Slicker's  
5        permission)*

*/s/ Jason L. Kuller*

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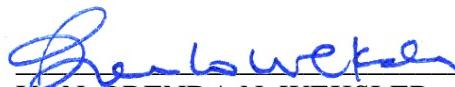
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10      *Attorneys for Defendant*

*Attorneys for Plaintiff*

12      **ORDER**

13      IT IS SO ORDERED:



15      HON. BRENDA N. WEKSLER

16      UNITED STATES MAGISTRATE JUDGE

17      DATED: 2/16/2024

